

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 07-80708-CIV-MARRA/JOHNSON

CHRISTOPHER A. TATE and
LERON J. BEDWARD,

Plaintiffs,

vs.

C.E. BRADLEY LABORATORIES, INC.,

Defendant.

_____ /

ORDER

THIS CAUSE comes before the Court upon Defendant's Motion to Dismiss [DE 7] and Plaintiff Leron J. Bedward's Motion for Entry of Default [DE 5].

THIS MATTER was referred to the Honorable Linnea R. Johnson, United States Magistrate Judge, Southern District of Florida. A Report and Recommendation, dated January 11, 2008, has been filed, recommending that the District Court deny in part and grant in part Defendant's Motion to Dismiss [DE 7], deny as moot Plaintiff Bedward's Motion for Entry of Default [DE 5], transfer Plaintiff Tate's claim to the United States District Court for the District of Vermont and dismiss without prejudice Tate's claim.

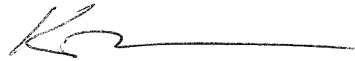
The Court has conducted a de novo review of the entire file and record herein. No objections have been filed. Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

- 1) United States Magistrate Judge Johnson's Report and Recommendation be, and the same is **RATIFIED, AFFIRMED and APPROVED** in its entirety.
- 2) Defendant's Motion to Dismiss [DE 7] is **DENIED IN PART AND GRANTED**

IN PART. Plaintiff Tate's claim is **DISMISSED WITHOUT PREJUDICE.**

- 3) Plaintiff Bedward's Motion for Entry of Default [DE 5] is **DENIED AS MOOT.**
- 4) The Clerk shall **TRANSFER** this action to the United States District Court for the District of Vermont. Plaintiff Bedward is allowed **60 days from the date of the entry of this Order** to effect valid service of process on Defendant.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County,
Florida, this 19th day of February 2008.



KENNETH A. MARRA
United States District Judge

Copies to:

Magistrate Judge Linnea R. Johnson

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All counsel of record